

August 1, 1996

Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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Enclosed for formal filing are 1 original plus 11 copies of Reply Comments of Barry Broadcasting Company of Hastings, Michigan, concerning the Commission's Notice of Proposed Ruling Making in the matter of Grandfathered Short-Spaced FM Stations.

MM Docket No. 96-120, RM-7651

Submitted by,

Steven K. Radant

Steven K. Radant, Vice President
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of:)
)
Grandfathered Short-Spaced)
FM Stations)

MM Docket No. 96-120
RM-7651

Reply Comments of Barry Broadcasting Company to Comments of E. Harold Munn, Jr. & Associates, Inc.

INTRODUCTION

The Commission in its Notice of Proposed Rule Making, has proposed changes to Section 73.213(a) to permit grandfathered short-spaced FM stations greater flexibility in how they may modify operating facilities and/or relocate transmitter sites. The Commission has considered only those stations at locations authorized prior to November 16, 1964 that did not meet the separation distances required by Section 73.207 and have remained short-spaced since that time.

REPLY COMMENTS

In its comments of July 19, 1996 in this matter, the firm of E. Harold Munn, Jr. & Associates, Inc. properly points out that the majority of FM stations that are short-spaced under Section 73.207 were established between November 16, 1964 and March 1, 1984. The Commission has not considered these stations as being eligible for "grandfathered" status. Barry Broadcasting Company of Hastings, Michigan, supports the comments of E. Harold Munn, Jr. & Associates, Inc. and agrees that the

Commission's proposals for grandfathered facilities merit adoption. Barry Broadcasting also respectfully asks the Commission to consider further changes to Section 73.213 in regard to the time span which covers "grandfathered" stations, with a view to permitting modifications by other short-spaced stations to increase their facilities up to the maximum permitted parameters for the class involved.

Particularly troublesome for some Class A stations is the requirement in Section 73.213(c)(2) that an application to operate a Class A facility at greater than 3kW ERP and 100 meters HAAT contain an exhibit demonstrating the consent of the licensee of each co-channel, first second, and third-adjacent channel station (for which the spacing requirements are not met) to a grant of that application.


WBCH-FM, channel 261A, operating at 3kW in Hastings, Michigan, licensed to Barry Broadcasting Company, was authorized in 1968 and has remained short-spaced to a third-adjacent Class B station since that time. As is the case for most grandfathered and non-grandfathered stations alike, changing economic and competitive conditions and shifts in population areas makes it very desirable to upgrade facilities to the maximum permitted by Section 73.211. However a fully spaced or less short-spaced transmitter site is not available. The consent requirement of Section 73.213(c)(2) puts any application by WBCH-FM, under the provisions of that section, at the discretion of the licensee of the short-spaced third-adjacent channel station. Barry Broadcasting contends that this policy allows no flexibility to Class A stations in this situation, and is certainly not consistent with the flexibility afforded

grandfathered stations by the proposed elimination of both the second and third-adjacent channel spacing requirements.

As has been noted by the Commission, the Joint Petitioners in this matter, and in the comments filed by E. Harold Munn, Jr. & Associates, there is little or no objectionable interference between short-spaced stations operating on second or third-adjacent channels. Barry Broadcasting believes that it is in the public interest for the Commission to consider in this Rule Making other short-spaced stations, as well as currently grandfathered stations. Barry Broadcasting believes that the small areas of potential interference to some receivers that may be created by such an action would not cause serious harm to the FM band, and is outweighed by enhancing the ability of existing stations to modify and improve service in response to changing conditions.

These Reply Comments were prepared
and are respectfully submitted by:

August 1, 1996

A handwritten signature in cursive script, reading "Steven K. Radant". The signature is written in dark ink and is positioned above a horizontal line.

Steven K. Radant, Vice President
Barry Broadcasting Co.